



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**SEP 08 2016**

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article Number: 7014 1200 0000 6126 5742

Mr. Kevin L. Becker  
President  
Diversified Composites Corp / Stoney Creek  
P O Box 269  
Blairstown, Iowa 52209

RE: Diversified Composite Corp / Stoney Creek  
208 Prospect NE  
Blairstown, Iowa  
RCRA Identification Number: IAD984594275

Dear Mr. Becker:

**Letter of Warning/Request for Information**

On May 31, 2016, a representative of the U. S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act. A copy of the inspection report is enclosed with this letter.

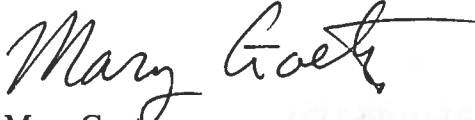
My staff has reviewed the inspection report, and your June 15, 2016, response to the Notice of Preliminary Findings and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations, a list of questions and/or requested information, and instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within 30 calendar days of receiving this letter, please mail your response to: Edwin G. Buckner, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas, 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Buckner, of my staff, at 913-551-7621 or buckner.edwin@epa.gov.

Sincerely,

A handwritten signature in black ink, reading "Mary Goetz". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Mary Goetz

Chief

Waste Enforcement and Materials Management Branch  
Air and Waste Management Division

Enclosures (3)

cc: Amie Davidson, Supervisor, Contaminated Sites Section  
Iowa Department of Natural Resources

List of Violations  
Diversified Composites Corp / Stoney Creek  
Blairstown, Iowa  
RCRA Identification Number: IAD984594275

1. Title 40 CFR § 262.34(c)(1)(ii) requires generators of hazardous waste who accumulate hazardous waste in satellite accumulation areas to label hazardous waste containers with the words "hazardous waste" or other words describing the contents. In the Paint Room, the facility was accumulating spent acetone in a five-gallon container labeled only with the virgin product label and not accurately identifying the contents as waste. This was a violation of 40 CFR § 262.34(c)(1)(ii). The June 15, 2016, response to the Notice of Preliminary Findings adequately addressed this violation.
2. Title 40 CFR § 262.34(d)(4) referencing 40 CFR § 262.34(a)(3) requires generators to mark hazardous waste accumulation containers with the words "hazardous waste." In the Still Room, the facility was accumulating 15, five-gallon containers of spent acetone labeled only with the virgin product label and not the words "hazardous waste." This was a violation of 40 CFR § 262.34(d)(4) referencing 40 CFR § 262.34(a)(3). The June 15, 2016, response to the Notice of Preliminary Findings adequately addressed this violation. Should the facility notify the EPA under 40 CFR § 261.4(a)(23)(vi) that it is claiming the exemption for hazardous secondary materials legitimately reclaimed on site, the spent acetone would not be considered a solid waste.
3. Title 40 CFR § 262.34(d)(4) referencing 40 CFR § 262.34(a)(2) requires generators to mark hazardous waste accumulation containers with the date accumulation began. In the Still Room, the facility was accumulating 15, five-gallon containers of spent acetone not labeled with the accumulation start date. This was a violation of 40 CFR § 262.34(d)(4) referencing 40 CFR § 262.34(a)(2). The June 15, 2016, response to the Notice of Preliminary Findings adequately addressed this violation. Should the facility notify the EPA under 40 CFR § 261.4(a)(23)(vi) that it is claiming the exemption for hazardous secondary materials legitimately reclaimed on site, the spent acetone would not be considered a solid waste.
4. Title 40 CFR § 262.34(d)(2), referencing 40 CFR § 265.173(a) requires generators to keep hazardous waste accumulation containers closed except when actively adding or removing hazardous waste. In the Still Room, the facility was accumulating 15, five-gallon containers of spent acetone which were not closed. This was a violation of 40 CFR § 262.34(d)(2), referencing 40 CFR § 265.173(a). The June 15, 2016, response to the Notice of Preliminary Findings adequately addressed this violation. Should the facility notify the EPA under 40 CFR § 261.4(a)(23)(vi) that it is claiming the exemption for hazardous secondary materials legitimately reclaimed on site, the spent acetone would not be considered a solid waste, but 40 CFR § 261.4(a)(23)(i) would require the material be contained in order to maintain the exemption.
5. Title 40 CFR § 273.13(d)(1) requires handlers of universal waste lamps to manage lamps in structurally sound, closed containers. The facility was accumulating eight, four-foot tube lamps in an open five-gallon pail. This was a violation of 40 CFR § 273.13(d)(1). The June 15, 2016, response to the Notice of Preliminary Findings adequately addressed this violation.

6. Title 40 CFR § 273.14(e) requires handlers of universal waste lamps to manage lamps in containers labeled with the words “universal waste-lamps” or “waste lamps” or “used lamps.” The facility was accumulating eight, four-foot tube lamps in an unlabeled five-gallon pail. This was a violation of 40 CFR § 273.14(e). The June 15, 2016, response to the Notice of Preliminary Findings adequately addressed this violation.
7. Title 40 § CFR 273.15(c) requires handlers of universal waste lamps to date lamp containers or otherwise track accumulation start dates for universal waste lamps accumulating on site. The facility was able to determine the last date universal waste lamps were sent off site, but was not actively tracking the accumulation start date. This was a violation of 40 § CFR 273.15(c). The June 15, 2016, response to the Notice of Preliminary Findings adequately addressed this violation.
8. Title 40 CFR § 262.34(d)(5)(ii)(B) requires hazardous waste generators to post the locations of fire extinguishers and spill control materials by the telephone. The facility posted by the telephone certain emergency information as required, but failed to post the locations of fire extinguishers and spill control materials. This was a violation of 40 CFR § 262.34(d)(5)(ii)(B). The June 15, 2016, response to the Notice of Preliminary Findings adequately addressed this violation.
9. Title 40 CFR § 273.16 requires handlers of universal waste lamps to inform employees of proper handling requirements for universal waste. Training documentation reviewed by the inspector did not address universal waste management. This was a violation of 40 CFR § 273.16. The June 15, 2016, response to the Notice of Preliminary Findings adequately addressed this violation.
10. Title 40 CFR § 262.11 requires solid waste generators to make a hazardous waste determination on solid wastes generated by the facility. The facility generates still bottoms that contain F003 listed acetone. Solid wastes that have contained listed hazardous waste such as F003 acetone are also listed hazardous wastes. If the listed hazardous waste is listed only for a characteristic such as ignitability, the generator may demonstrate that the waste does not demonstrate that hazardous waste characteristic. The facility may not treat the waste to remove the characteristic unless it is done so in compliance with the regulations. The facility failed to make a hazardous waste determination on the distillation bottoms or demonstrate the waste was not ignitable. This was a violation of 40 CFR § 262.11.
11. Title 40 CFR § 262.11 requires solid waste generators to make a hazardous waste determination on solid wastes generated by the facility. The facility generates waste solvent wipes that contain F003 listed acetone. Solid wastes that have contained listed hazardous waste such as F003 acetone are also listed hazardous wastes. If the listed hazardous waste is listed only for a characteristic such as ignitability, the generator may demonstrate that the waste does not demonstrate that hazardous waste characteristic. Also, for solvent-contaminated wipes, 40 CFR §§ 261.4(a)(26) and 261.4(b)(18) provide management methods generators may employ to exempt solvent-contaminated wipes from regulation. The facility failed to make a hazardous waste determination on the solvent contaminated wipes, demonstrate the waste was not ignitable, or employ the exemptions of 40 CFR § 261.4. This was a violation of 40 CFR §262.11.

Requested Information  
Diversified Composites Corp / Stoney Creek  
Blairstown, Iowa  
RCRA Identification Number: IAD984594275

1. Make and provide documentation of a hazardous waste determination on the still bottoms and solvent-contaminated wipes identified in violations 10 and 11 above. To make a hazardous waste determination, one must follow these steps:
  - a. Determine whether or not the waste has been excluded from regulation under 40 CFR 261.4.
  - b. Determine whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR 261. If the waste is a listed waste, provide the listed waste code in the documentation.
  - c. Determine whether or not the waste is identified as a characteristic hazardous waste in 40 CFR 261 Subpart C. To determine whether the waste meets any of the characteristics provided in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to the EPA as well as a detailed description as to how each sample was taken. The laboratory analyses required may include ignitability tests (40 CFR 261.21), corrosivity tests (40 CFR 261.22), reactivity tests (40 CFR 261.23), and/or toxicity characteristic leaching procedure (TCLP) testing. If the waste is a characteristic hazardous waste, provide the characteristic waste code in the documentation.
  - d. If the generator elects to apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to make a hazardous waste determination on the identified waste streams, the generator must provide a detailed explanation and its reasoning regarding the basis for this determination. Material Safety Data Sheets may provide information to supplement the generator's determination. Also, if the generator applies knowledge to make the determination, include all hazardous waste codes for the wastes in the documentation.
2. If you determine the materials in question are excluded from regulation under 40 CFR § 261.4, provide detailed documentation of your reasoning and all required notifications required under 40 CFR § 261.4.

### 3007 RESPONSE INSTRUCTIONS

- \* Identify the Person(s) responding to this request on your behalf.
- \* Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- \* For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- \* For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- \* For each numbered item, identify all persons consulted in the preparation of the answer.
- \* For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- \* If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- \* If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- \* If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- \* You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- \* The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- \* A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- \* Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at [www.epa.gov/epahome/cfr40.htm](http://www.epa.gov/epahome/cfr40.htm).
- \* This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- \* The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$ 93,750 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.